Preserve

App F IX-4

1932-33.

File No. 312-32.

Serial Nos. 1-4.

Previous References
2-25-1-2
2-25-1-5
57-9-1-2
80-3-4
Later References
3-6.
398-1201-2
24-23-1-9
30-32-1-9
62-21-1-4
Mus 206.43.

(21)

GENERAL AND REVENUE SECRETARIAT

Mus. 168-44-(1-12). Bgary 47.

Serial Nos. Four

Part B for ~~October~~ August 33.

SUBJECT.

Appeal against the decision of the D.C. in Trinc. Appeal No. 4 of 31-32 re: the recovery of the full value of trees on the Sri Bana-ankari temple land cut & removed by the appellant.

To Trinc: Counsel mess Belle Srinivasiengar & Y. appear for Advocate for the appellant and the Respondent respectively.

No. 19 of 2-8-33.

orders that the parties are agreeable to a compromise according which the sum of Rs 25/- realised from the sale of trees will be divided between

Mlg Appl 12 of 32-33

[App. F. III—2

General and Revenue Secretariat | Mlg File No. of 193 '.

Serial No.

1 Petition of 21/12/32 filed by Sri Rajappa Advocate Bangalore City on behalf of his Client one Syed Usman Sahabandalya Bangalore Taluk appealing against the decision of the Mysore Commissioner in Mysore appeal No. 4 of 31-32 on the file of his Court regarding the Appellant's title to the ground on S. No 60 of Jarapane halli endorsed to Sri Banesaw Wari Lemeple.

The appeal petition is sufficiently Stamped & prepared in time.

It also forwards if the may be admitted and read as Called for —

G.S 31/1—

3) Please note, under what provision of Mysore Land the Appeal has been preferred. And (4) Whether there are have been any similar cases in the past

R.P 31.12.32

4 Vide page 10 of the Mysore Religious & Charitable Institutions Regn. VII of 1927 Sec 38 (2) which runs as follows :—

"An appeal will lie to the Court against every order passed by the M.C. under this section

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

27 Mug Appl 12 of 32-33

Mun File No. of 193 . | General and Revenue Secretariat

As regards para 4 Ambai, it is stated That every case will be decided on & attempts made to find out similar cases & such lists in the past have not been successful.

GS 3/1

Orders if the appeal may be admitted & records

KP 3.1.33

Office of the Second Member of Council. 7 JAN. 33 No. 4y 3.9

2 MM) Yes - MM 1-3 AA

Spr

9.1.33

GS 10/1

16/1/33

No 10568 18/1/33 from Mangalore Case calling for a report with the case records.

TYPING SECTT. 1 JAN 1933 GENL. & REV S

2-1-33

Letter no 746/32-33 of 28/4/33 from the Mangalore Commissioner forwarding records relating to the recovery of the fuel value of trees in S. No 60 of Tenagunhalli Bangalore Taluk endowed to Sri Basavanthaiah temple at Sankagunte - Bangalore - The decision of the S.D.O Bangalore of 19/10/29 &

Serial No.

is based on the recommendation made by the Bangalore Tahsildar. The full values of trees on the land in question has been ordered to be received & credited to the temple funds. Against this order there was an appeal before the D.C Bangalore, who held that the present appellant, Syed Osman of Parabande Palya being a permanent tenant of the land is liable to pay a fixed amount as rent over and above the land taxes although to fell the trees. The order was set aside by him. Against this order the Sowcars have also filed an appeal before the H.C. who upheld the D-dor decision & the order of the D.C Bangalore.

Hence against this decision an appeal has been preferred here.

(4) The lands belonging to Muzrai Institutions are normally given for long leases under special circumstances viz where the lands require a good deal of investment at the first instance for their improvement & no permanent tenancy so far is admitted.

5. The facts of the case are as in the preamble of the order passed by me in the above appeal No 4/31-32 now file of the H. C.'s Court.

NOTE—Contn Sheet.

Mag Appl 12 of 32-33

Mag File No. of 193 . General and Revenue Secretariat

Submitted for orders if the case may be posted for a hearing —

Gs Opn
9/6
13

The order appealed against is one passed by the II Member when he was Mge.

14/6/33

H Scorgie)

2nd Mbr)

28/6.

28/6

DEWAN'S OFFICE 95 5 - JUL 1933

Second Member of Council 28 JUNE 1933 No....

Shall hear the arguments and the file for orders to Dewan, unless the Dewan wishes to hear the case himself

Jon 3/7

AG - 4 7 33

Dewan) 4/7

I have no objn to hear the case

orders me solicited as with due to which may the case may be posted for a hearing —

5/7/33

AG 5/7

(Put Dewan's Spce with Camp's kind) obtaining orders about the date

Mr 13/7/33

vide orders on slip attached

DEWAN'S OFFICE 13. JUL 1933

14 7 33

16/7/33

Submitted

may Monday the 24 next be fixed for the hearing?

Yes At 3 PM
Kly
18/7

Note the temp. for the previous Sunday with Max Regd. & other necessary rep for stating

Please note
Kly.
14/7

Seen and returned
23/7/33

24/7/33

14
24/7

14.7.33

3. JUL. 1933

Serial No.

This Case was heard on 24.7.33. The parties were present with their lawyers Namely Mr Belin Iriveresa Iyengar for the appellants and Mr Wijesekera for the respondents.

over

The parties are agreeable to a Compromise according to which the Sum of Rs 25 realised from the Sale of the trees will be shared between them, the appellant taking Rs 15 and the respondent Rs 10 - This arrangement which is reasonable in the Circs of the Case is approved and the Mutwal Commrs order will be modified accordingly.

24/7/33

2517

Submd For perusal before issue.

27/7/33

(I Member)

28/8

2517

Council
27 JLY .3
No. 26 ..

TYPING SECTION
28. JUL. 1933
GENL. & REV. SECT.

TYPING SECTION
JUL 1933
GENL & REV SECT.

Note—Contd Sheet.

WD 70—GBPM—60,000—13-8-31.

Mrs. Appl No 12 of 1932-33

File No. 312 of 1932

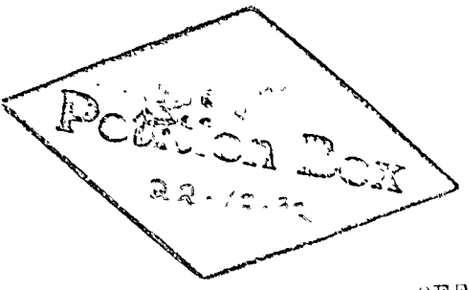
General and Revenue Secretariat

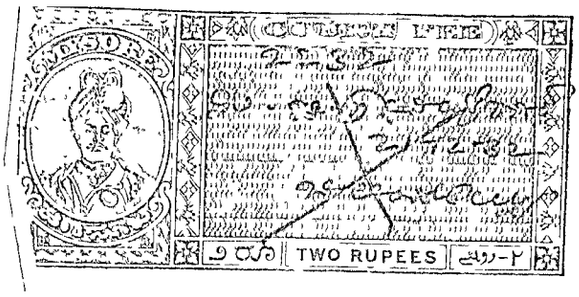
Memo No 119 dy 2-8-33 to the Inspl 4
Commissioner forwarding the decision
in the appeal for necessary action

Memo No 120 dy 2-8-33 to the
Dy Secy Trin Vasa Regular in him giving
the decision in the appeal case.

No 124 dy 2/8/33 to the
Appellant Advocate for the respondent
forwarding copy of the decision
in the appeal case

9/8/33

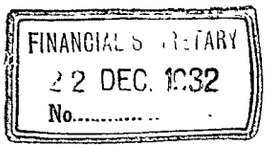




BEFORE THE GOVERNMENT OF MYSORE

AT BANGALORE.

Mis 312-32



MUZRAI APPEAL 12 OF 32-33.

---000---

APPELLANT:- (Syed Osman of
(Sarabhandepalya,
(Bangalore Taluk.

7-1-33

---000---

The appellant abovenamed begs to prefer this appeal against the Order of the Muzrai Commissioner in Muzrai Appeal No.4 of 1931-1932 and states as follows:-

1. The learned Muzrai Commissioner erred in construing the Razinama Decree in O.S.694 of 1st 1924-25 on the file of the Munsiff, Bangalore.

2. The learned Muzrai Commissioner erred in finding that the Respondent is entitled to seek the provisions of the Muzrai Regulation for enforcement of his alleged claim.

3. The Order of the Muzrai Commissioner is erroneous in law and on facts.

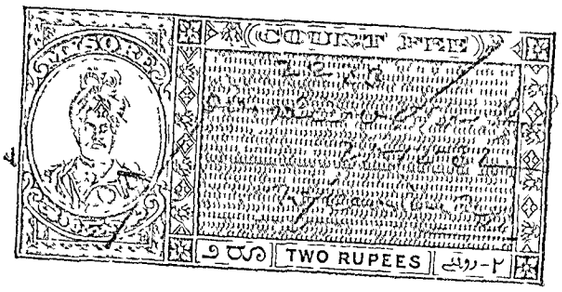
4. The Deputy Commissioner's Order is - Just and equitable.

WHEREFORE the Appellant prays that the Order of the Muzrai Commissioner be reversed and that of the Deputy Commissioner be restored.

BANGALORE
19-12-1932
21

B. Venkatasubbaiah

ADVOCATE FOR APPELLANT.



In the Court of Before the Government of Mysore at Bangalore --

Misc. appl. **No.** **of 1932–1933.**

Appellant ~~*Plaintiff*~~		*Respondent Defendent*
Syed Osman	**Vs.**	

I I the appellant above named do, by these presents, retain

Messrs BELUR SRINIVASIENGAR, B A., B.L M.L.C., M.R A.
and ~~N. RAMA IYENGAR, B A~~, L.L.B, Advocates

to appear and conduct the above case on my behalf to judgment

2. I further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in my behalf and to receive from the Court all documents, refunds and all sums of money that I may be entitled to get and grant receipts therefor.

3. I also undertake to confirm and ratify all the acts done by the said Advocates or by any other Advocate on their behalf in so doing.

21/12/1932
BANGALORE.

L. T.

Mark of Syed Osman

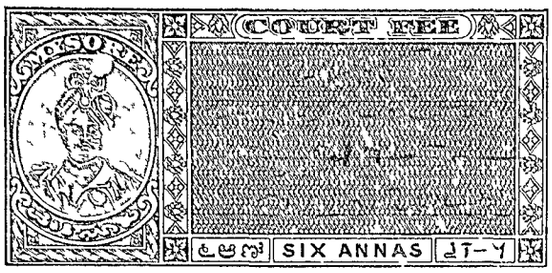
Personally known to ~~us~~ me and signed in ~~our~~ my presence.—ACCEPTED.

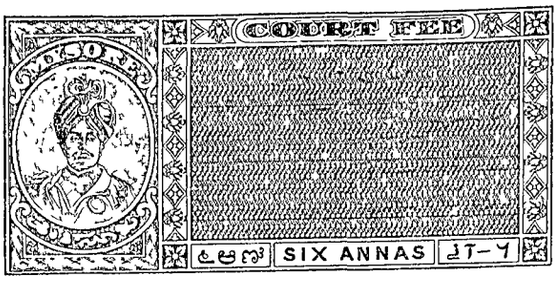
B S Iyengar Srinivas

Advocates.

Advocates for Appellant

Indian Press, B. City.





In the court of the Munsif commissioner
in Mysore Bangalore
Munsif Appeal No. 4/31-32

Appellant :- B Somannasetty
vs.
Respondent :- Syed Usmon of Sarapandepalya,
Bangalore Taluk

Appeal against the order of the Deputy Commissioner Bangalore District setting aside the order of the Sub Division officer to recover from the respondent the full value of the trees on the Sri Banasankari temple land (Survey No. 60 of Jarganahalli) cut and removed by him and to credit the same to the temple funds

Facts of the case

The Sri Banasankari temple is a Munsif institution taken under government management in 1924 and endowed with Inam lands by its sole Dharmadarsi the appellant. The respondent is a tenant of S. No. 60 of Jarganahalli, the tenancy being regulated by the terms of a Rajiinama, pursuant to which a compromise decree was passed by the civil court. Some of the trees standing on S. No. 60 were cut and removed by the respondent on the ground that he had acquired full right over the land as permanent tenant as per Rajiinama Decree in O.S. No. 694/26-27 before

before the First Munsiff of Bangalore. On the complaint preferred by the appellant in January 1929, the Amildar, after enquiry, reported that as per clause 7 of the Rajinama Decree referred to above, the land should not be alienated without the consent of the sole Dharmadarsi and as this condition would apply to trees also standing on the land, the respondent was liable for the damages caused to the appellant. The Sub Division officer having approved of this recommendation, the respondent preferred an appeal before the Deputy commissioner Bangalore who held that the Sub Division officer was wrong in interfering and set aside his order. Hence the present appeal.

The grounds of appeal are:—

1) That the order of the Deputy Commissioner was exparte.

2) That the Deputy commissioner erred in interfering with the concurrent finding of fact viz that the temple has a right to the value of the trees in question

3) That the superior rights of the temple in the lands endowed cannot be curtailed by the lessant who under the Rajinama has to render services and pay rents regularly to the sole Dharmadarsi

Messrs. T Appu Rao and Belur Srinivasa-Iengar, Advocates for the appellant and respondent respectively were heard on 26-9-1932.

Order No Appeal 4/31-32 of 31-10-1932
14th November 1932

The Institution with its endowment has been taken over under Government management.

management and the moneys due may be recovered through Mayran courts. Under the Land Revenue Code, land includes trees also and the prohibition against alienation in clause 7 of the compromise applies to trees also. I uphold the Sub Division officer's order and cancel the Deputy Commissioner's order

(Sd) S.P Rajagopalachar
Mayran Commissioner

Copy applied for by Mr. B. Seeniwasa Iyengar on 21.11.32
Copy ready on 21-11-32
Copy delivered on 24.11.32.
No of words 420
Copying fees 0-10-0
Comparing fees 0-1-8
Postage 0 0 4
0 12 0.

Copied by
Compared by S Jagannatha

17th Jany. 33

The accompanying Muzrai Appeal Petition No.12 of 32-33 Registered No.717 dated 21st December 1932 received at the General and Revenue Secretariat and filed by Mr.Belur Srinivasa Iyengar on behalf of his client Syed Usman of Sarabandepalya, Bangalore Taluk appealing against the orders of the Muzrai Commissioner in Muzrai Appeal No.4/31-32 on the file of his court re: the recovery of the full value of trees on Survey No.60 of Jaraganahalli and owed to Sri Banasankari temple is forwarded with compliments to the Muzrai Commissioner in Mysore for report with records.

By order,

for Financial Secretary to Government

B.K.M.2

WD 02048 -GPB—3750—8-8-28

App. F. G. 9]

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

GEN. & REV. SECRETARIAT.

1056 C 18-1-33

OFFICIAL MEMORANDUM.

No. Mug Appeal 20 124 32-3.

The accompanying Petition Registered

No. 717 dated 21/12/32

received at the General and Revenue Secretariat ~~from~~ to Telegu by Mr. Balleu Srinivasa Iyengar on behalf of his client Syed Usman of Sanabanapally Bangalore the appellant in the Mysore Court in Mys. Appl. No. 4/31-32 on the file of this Court re: the recovery of the price of trees on S. No. 60 of Jangamakalli endowed to Sri Bana Sankari temple

is forwarded, ~~together with its enclosures~~ to the Mysore Court for ~~with~~ report ~~and return of~~ records.

By Order,

16/1/33

for Secretary.

BANGALORE,

16/1/1933

[P. T. O.

WD 02048 -GPB—3750—8-8-28

ಅರ್ಜಿದಾರ್..... ...ತಾಲ್ಲೂಕು

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ .....

ಮರ್ಕುಮಿನ ಅರ್ಜಿಯನ್ನು..... .....ಬಗ್ಗೆ

.....

.....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ

ಬೆಂಗಳೂರು.

By Order,

Secretary.

No. 746 Enc 2 files
32-33

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 26th April 1933
28.

FROM

S HIRIANNAIYA, ESQ, M.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

312 - 32

To

The *Secretary to the Government of His Highness*
the Maharaja of Mysore,
Financial ...*Department.*

SIR,

With reference to your Official Memorandum No.1056/Muz. dated 18-1-33 calling for the records connected with the appeal of Syed Usman of Sarabandepalya, Bangalore Taluk, re: the recovery of the full value of the trees on S.No.60 of Jaraganahalli endowed to Sri Banasankari temple, I have the honor to forward herewith the entire file of vernacular records received with the Bangalore District Deputy Commissioner's letter No.C3-3311/32-33 dated 13-4-33 (copy enclosed) together with this office file Muz.App.4/31-32 dated 14-11-32 in which the facts of the case have been fully set forth.

Letter No.C3-3311/32-33 dated 13-4-33 from the Deputy Commissioner, Bangalore District, to the Muzrai Commissioner in Mysore.

Subject:- Muzrai Appeal No.12of 32-33 before Government.

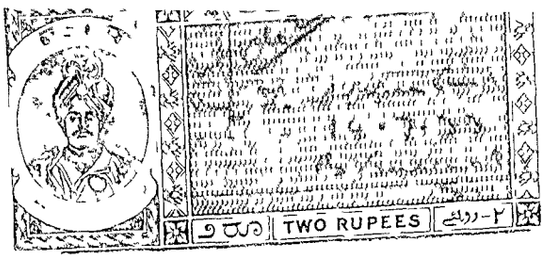
I have the honor to submit herewith the entire file of vernacular records connected with the above subject as called for in your Memo No.746/ 32-33 dated 30-1-33, and to state that the full facts of the case are contained in the preamble to your order in Appeal Case No.4/31-32 on the file of your Court.

The appeal petition is also returned herewith as desired.

"COPY"

G Rudrappa

For Muzrai Commissioner



24/7/33

ಸ್ಮಾಲ್ ಕಾಸ್ ಕೋರ್ಟ್ ಬೆಂಗಳೂರು ಕೋರ್ಟಿಗೆ.

1932 ನೇ ಸಾಲಿನ ಸಣ್ಣ ಕಾರ್ಯ ಮಿತಿಯ ನಂಬರು. 12

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೆಂಟ್
[illegible]	V. S.	[illegible]

ಮಾನ್ಯ [illegible] ಗೆ.

[illegible] ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಪೊಬಲಗು, ಸಿಲ್ಕು ಪೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು, ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದು ಇದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

B. Somanna Setty

ತಾರೀಖು 18/7/33 ರುಜು

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷ ಮು ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.

S. Surjanarayana Rao

ಸಿಕ್ಕುವ ಸ್ಥಳ:—ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ಸ್ಟಾಂಪ್ ವೆಂಡರ್ ನಂಜಪ್ಪನವರಲ್ಲಿ ದೊರೆಯುತ್ತೆ.

ಅಕ್ಕಿ for Registrar

ಶ್ರೀನಿವಾಸಕಟೀಶ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ

(G)

Before the Government of His Highness the Maharaja of Mysore.

Appeal No 12 of 1932-33

Appellant	Vs	Respondent
Syed Osman alias Abdul Sale of Sankamodalya Bangalore Tk.		B. Ramanna Setti residing in Tumkur Mufjid road Bangalore City

Subject.

Appeal against the decision of the H.C. in Misc appl no 4 of 31-32 on the file of his Court regarding the recovery of the sale value of trees on the Sri Ramaswamy temple land & S.No 60 of Tavarekere, Bangalore Tk) cut and removed by the appellant-

---

This case was heard on 24.7.33. The parties were present with their Lawyers Viz Mr Belur Srinivasa Iyengar for the appellant and Mr T. Appa R for the respondent

---

GPB—1,000—8-8-11

P. T. O

The parties are agreeable to a Compromise according to which the sum of Rs 25/- realised from the sale of the Crop will be shared between them, the appellant taking Rs 15/- and the respondent Rs 10/- This arrangement which is real in the circumstances of the case is appd and the order of the M.C. will be modified accordingly -

120 ~~121~~ ~~& file~~ & 2-8-33
Mag ~~119~~ & Mag 312-32-4

Copy to Mr Balu Srinivasa Murthy vocate for the appellant

A.O
2/VII
for JI Sce

121/Mag 312-32 & 2-8-33
Copy to the J. Appn Rao advocate for the respondent.

A. O
2/VII
for JI Sce

119/Mag 312-32-4 ~~& file~~ & 2/8/33.
Copy to the M.C. returning records received No 746/32-33 of 28/4/33

A. O
2/VII
for JI Sce

BEFORE THE HON'BLE MR. RAJA OF VENKATAGIRI.

•••

Inam Appeal No.12 of 1932-33.

•••

Appellant.	Vs	Respondent.
Syed Osman alias Babu Sab of Sarabandepalya, Bangalore Taluk.		Nomana Setty, residing in Jumma Masjid road, Bangalore City.

•••

S U B J E C T.

Appeal against the decision of the Inam Commissioner in Misc. appeal No.4 of 31-32 on the file of his Court regarding the recovery of the full value of trees on the Sri Bannasankari temple land (S.No.60 of Jaraganahalli, Bangalore Taluk) cut and removed by the appellant.

••••

This case was heard on 24th July 1933. The parties were present with their Lawyers viz., Mr.Kalur Srinivasa Iyengar for the appellant and Mr.T.Appu Rao for the respondent.

O R D E R.

The parties are agreeable to a compromise according to which the sum of Rs.25 realised from the sale of the trees will be shared between them, the appellant taking Rs.15 and the respondent Rs.10. This arrangement which is reasonable in the circumstances of the case is approved and the order of the Inam Commissioner will be modified accordingly.

119/Misc 312-32-4 & 2 files
Copy to I.C. 28-8-33

For H Sec 29/7

Copy to Messrs Kalur Srinivasa Iyengar & 120.
T. Appu Rao, Advocates for the Appellant & 121.
and the Respondent respectively.
R-o

Aln
RO

For H Sec 29/7

Dss D.